

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL ACTION
)	NO. 15-MJ-4110-DHH
VICTOR FERNANDEZ,)	(See also, Middle District of Florida
)	Cr. No. 03-113-FtM-29SPC)
)	
Defendant)	

RULE 5 ORDER OF REMOVAL
March 23, 2015

Hennessy, M.J.

I. Nature of the Offense and the Government's Motion

This is a commitment to another District proceeding, pursuant to Fed. R. Crim. P. 5(c)(3). The Defendant, Victor Fernandez, was arrested in this District pursuant to a warrant for his arrest issued in the United States District Court for the Middle District of Florida. The warrant was based on a petition alleging that Defendant violated conditions of pretrial release, pursuant to 18 U.S.C. § 3148.

This Court conducted an initial appearance on March 17, 2015, the day of Defendant's arrest, at which counsel was appointed to represent Defendant, pursuant to the Criminal Justice Act, for purposes of all proceedings in the District of Massachusetts. The United States moved for detention, pursuant to 18 U.S.C. § 3148. Court advised Defendant of his right under the Constitution to remain silent and to the assistance of counsel at every critical stage of the

proceedings. The Court also advised Defendant of his right to an identity hearing, a detention hearing, the provisions of Rule 20, and the right to consular notification.

At the initial appearance, Defendant, with the assistance of his counsel, knowingly and voluntarily waived his right to an identity hearing. This Court finds, based on the waiver of the identity hearing, that Defendant is the person named in the warrant of arrest. The United States has produced a reliable electronic copy of the warrant in compliance with Rule 5.

The matter was continued to March 23, 2015, for a detention hearing. On March 23, 2015, Defendant, with the assistance of his counsel, waived his right to a detention hearing in this District without prejudice to having a detention hearing in the Middle District of Florida.

II. Order of Detention

WHEREFORE, the Defendant is REMANDED to the custody of the United States Marshals Service and ORDERED removed to the Middle District of Florida.

RIGHT OF APPEAL

THE PERSON OR PERSONS DETAINED BY THIS ORDER MAY FILE A MOTION FOR REVOCATION OR AMENDMENT OF THE ORDER PURSUANT TO 18 U.S.C. § 3145(b).

/s/ David H. Hennessy
David H. Hennessy
United States Magistrate Judge